

(INND Rev. 1/21)

-FILED-

APR 13 2023

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**Chanda J. Berta, Acting Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA[This form is for non-prisoners to file a civil complaint. NEATLY print in ink (or type) your answers.]Malik Haleem Swinton[You are the **PLAINTIFF**, print your full name on this line.]

v.

United States of America[The **DEFENDANT** is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]Case Number 1:23-CV-112-HAB
[For a new case in this court, leave blank.
The court will assign a case number.][The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]**CIVIL COMPLAINT**

#	Defendant's Name and Job Title	Address
1	[Put the defendant named in the caption in this box.] <u>United States of America</u>	
2	[Put the names of any other defendants in these boxes.] <u>The Department of Veterans Affairs</u> <u>Julie Lawrence/Chief of Operations</u>	<u>810 Vermont Ave NW</u> <u>Washington DC 20420</u>
3		

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and address of each defendant in a separate box as shown here.]

1. How many defendants are you suing? 2
2. What is your address? 503 Mission Hill Dr
Fort Wayne, IN 46804
3. What is your telephone number: (260) 206-9879
4. Have you ever sued anyone for these exact same claims?
☒ No.
☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

CLAIMS and FACTS

DO: Write a short and plain statement telling what each defendant did wrong.

DO: Use simple English words and sentences.

DO NOT: Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how these events happened.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

DO NOT: Include the names of minors, social security numbers, or dates of birth.

DO: Use each defendant's name every time you refer to that defendant.

DO: Number your paragraphs. *[The first paragraph has been numbered for you.]*

1. see attached

Claims and Facts

1. This **Civil Complaint** is due to the wrongful and negligent act of federal employee (s) acting within his or her official duties of the United States. The purpose of this is for punitive damages and monetary compensation from injuries and damages I sustained. This civil complaint is also for damage to my personal property and intentional infliction of emotional and physical harm and distress. The United States and the Department of Veterans Affairs breached their duty to act appropriately and to protect my family and I from harm and injury. I am also asking the court or judge for recovery of reasonable cause of litigation when the other side refuses a fair settlement offer.
2. I am a 100% Total Disabled Individual Unemployable (TDIU) Military Veteran that has been repaying \$300 per month since January 2021 for a medical debt overpayment despite the Department of Veterans Affairs Secretary suspending **ALL DEBT** for the 2022 year. Also, I have been rated under the Department of Veterans Affairs Medical Administration of 60%-100% as a fact with evidence of physical and mental disabilities, illnesses, and diagnoses for 22 years; of which the Department of Veterans Affairs already has in their medical records. So it is higher unlikely to have a medical debt and an overpayment because ALL of my medical care is **FREE** or taken care of for 22 years. I emphatically **DISAGREED** with this over payment. I requested multiple times through mail, electronically, and over the phone for a waiver of Debt Forgiveness.
3. April 2022: Veterans Affairs Debt Management Center refused all of my Financial Hardship waivers and Debt forgiveness requests.
4. March 2022: The Department of Veterans Affairs; Debt Management Center (DMC) and the Veteran Benefit Administration (VBA) decided to **garnish 100%** of my disability compensation despite me already having a **LEGAL PAYMENT PLAN ALREADY IN PLACE**. The entire garnishment of my disability pension and compensation without warning immediately put my family and I into an extreme financial hardship or poverty. I did not receive **due process** under the law to fix, or to take action, or to appeal before the final action was taken. I did not receive a letter in the mail, email, or phone call per VA's own policy. ALL of my pension and compensation payments just vanished. The garnishment of ALL my income is not being reported to the Department of Justice. On paper and on my online va.gov documents shows that I am receiving 100% of ALL my income and benefits; but, nothing is being deposited into my bank account and it shows \$0 dollars and \$0 cents on my monthly statements for the last year. **How is this possible?**
5. Since March 2022: I have NEVER received a receipt from the 100% of the garnishment ALL my income. **How am I paying money on a debt and NOT receiving a receipts?** This deduction could go on forever without a legal copy of a receipt and who's taking this money. The VA only responded to Congressmen's and the White House VA inquiries. Once the inquiries were in place, the Debt Management Center seemed to have retaliated. For example: 1. The Debt Management Center claimed they could NOT approve any of my financial hardship waivers and debt forgiveness waivers until I paid off my entire debt **FIRST**. 2. The Debt Management Center claimed they do not process, or calculate VA benefits, or VA debts, and does not have the authority to determine benefits eligibility and I needed an attorney. 3. The Debt Management Center claimed I owed more debt than they previously thought. 4. The Debt Management Center claimed I needed to contact the Department of Justice about my debt or payments. 5. The Debt Management Center claimed The Department of Justice U. S. Attorney Office did

suspend all my debt but only earned income. Most of the above claims does not make sense, are lies, and contradicts their previous statements in the letters provided to Congress members.

6. January 2023: VA Debt Management Center would NOT answer; How does a Disabled Military Veteran that has been 60%-100% for 22 years have a medical debt? VA Debt Management Center would NOT return my calls. They would NOT return my mail until Congressional members stepped in. VA Debt Management Center would only claim my file is in a special unit. They REFUSED to tell my why or what the name of this special unit is called. The Debt Management Center operators said they can not even access my basic information such as; name, date of birth, and address.
7. February 2023: The Department of Justice United States Attorney suspended **ALL** of my debt and the VA Debt Management Center still refuses to release my pension and compensation payments after **14 months of garnishment**. This is why I'm asking a Federal court to step in because VA Debt Management Center does not want to abide by the order from the Department of Justice U. S. Attorney Office.
8. **Damages:** My family vehicle was repossessed, we are currently going through an eviction, most of our utilities have been disconnected or canceled. I lost over \$54,000 in pension and disability payments alone. I owe over \$98,000 in vehicle payments. I owe approximately \$5,000 in credit card, overdraft, and billing debt.
9. **Damages:** Infliction of emotional and physical distress, extreme physical pain, stress, anxiety, PTSD, depression, insomnia, and high blood pressure. I'm also suffering mentally, psychologically, androgynous physically. I have suicidal thoughts and stuff from nightmares.

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Claims and Facts (continued)

PRIOR LAWSUITS – Have you ever sued anyone for this exact same event?

☒ No.☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

RELIEF – If you win this case, what do you want the court to order the defendant to do?

I am requesting the defendant to release my pension with back payments of 14 months.
I am requesting Punitive damage, court cost, monetary compensation of \$1 million and from injuries due to negligents, wrongful acts and omission.

FILING FEE – Are you paying the filing fee?

☐ Yes, I am paying the \$402.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. [If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]☒ No, I am filing a Motion to Proceed In Forma Pauperis and asking the court to notify the defendant about this case.[Initial Each Statement]MS I will keep a copy of this complaint for my records.MS I will promptly notify the court of any change of address.MS I declare under penalty of perjury that the statements in this complaint are true.

Signature

MS

Date

4/11/2023